



2009 SENATE BILL 429

1 **AN ACT** *to amend* 61.66 (2) and 891.45 (2); and *to create* 891.453 of the statutes;
2 **relating to:** establishing a presumption for employment-connected
3 communicable diseases for fire fighters, emergency medical service providers,
4 law enforcement officers, and certain correctional employees.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 61.66 (2) of the statutes is amended to read:
6 61.66 (2) The governing body of a village acting under sub. (1) may designate
7 any person required to perform police protection and fire protection duties under sub.
8 (1) as primarily a police officer or fire fighter for purposes of s. 891.45, 891.453, or
9 891.455.
10 **SECTION 2.** 891.45 (2) of the statutes is amended to read:

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1 891.45 (2) ~~In~~ Except as provided in s. 891.453, in any proceeding involving the
2 application by a state, county, or municipal fire fighter or his or her beneficiary for
3 disability or death benefits under s. 40.65 (2) or any pension or retirement system
4 applicable to fire fighters, where at the time of death or filing of application for
5 disability benefits the deceased or disabled fire fighter had served a total of 5 years
6 as a state, county, or municipal fire fighter and a qualifying medical examination
7 given prior to the time of his or her becoming a state, county, or municipal fire fighter
8 showed no evidence of heart or respiratory impairment or disease, and where the
9 disability or death is found to be caused by heart or respiratory impairment or
10 disease, such finding shall be presumptive evidence that such impairment or disease
11 was caused by such employment.

12 **SECTION 3.** 891.453 of the statutes is created to read:

13 **891.453 Presumption of employment-connected disease; infectious**
14 **disease. (1)** In this section:

15 (a) “Correctional officer” means any person employed by the state or by a county
16 or a municipality as a guard or officer whose principal duties are the supervision and
17 discipline of inmates.

18 (b) “Emergency medical service provider” means a person employed by the
19 state or by a county or municipality and who is an emergency medical technician
20 under s. 256.01 (5) or a first responder under s. 256.01 (9).

21 (c) “Fire fighter” means a state, county, or municipal fire fighter who is covered
22 under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter took up
23 at least two-thirds of his or her working hours.

24 (d) “Law enforcement officer” means any person employed by the state or by
25 a county or a municipality for the purpose of detecting and preventing crime and

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enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce. “Law enforcement officer” includes a person under s. 61.66 whose duties as a police officer took up at least two-thirds of his or her working hours.

(2) (a) In this subsection, “infectious disease” includes the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-resistant staphylococcus aureus, and severe acute respiratory syndrome.

(b) In any proceeding involving the application by a correctional officer, an emergency medical service provider, a fire fighter, or a law enforcement officer or his or her beneficiary for disability or death benefits under s. 40.65 (2) or any pension or retirement system applicable to correctional officers, emergency medical service providers, fire fighters, or law enforcement officers, if a qualifying medical examination given prior to the time of his or her becoming a correctional officer, an emergency medical service provider, a fire fighter, or a law enforcement officer showed no evidence of an infectious disease, and if the disability or death is found to be caused by an infectious disease, the finding shall be presumptive evidence that the infectious disease was caused by the employment.

(END)